

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES EQUAL)	
EMPLOYMENT OPPORTUNITY,)	
COMMISSION,)	
)	
Applicant,)	
)	CHARGE NO.
v.)	440-2008-04591
)	
AARON'S, INC.,)	SUBPOENA NO.
)	CH-10-037
Respondent.)	

**RESPONDENT AARON'S, INC.'S MOTION TO STRIKE PARAGRAPHS 9 AND 10
OF THE DECLARATION OF SUSAN SMITH**

COMES NOW, Respondent Aaron's, Inc. ("Aaron's"), and respectfully moves this Court to strike from the record Paragraphs 9 and 10 of the Declaration of Susan Smith, which was submitted in support of Applicant United States Equal Employment Opportunity Commission's ("Applicant") Application for an Order to Show Cause ("Application"), on the grounds that the statements contained therein relate to matters entirely outside of the Affiant's personal knowledge and constitute hearsay pursuant to Rules 602 and 801 of the Federal Rules of Evidence. In support of this Motion, Aaron's files a Memorandum of Law contemporaneously herewith.

WHEREFORE, Aaron's respectfully requests the Court to grant this Motion and award such further relief as is just and necessary.

[Signatures of counsel appear on the following page.]

Respectfully submitted, this 26th day of January 2011.

/s/ Wen-Shin Cheng

Wen-Shin Cheng

Illinois Bar No. 6236842

TRESSLER LLP
233 S. Wacker Drive
22nd Floor
Chicago, Illinois 60606
Telephone: (312) 627-4181
Facsimile: (312) 627-1717
Email: wcheng@tresslerllp.com

/s/Alisa P. Cleek

Alisa P. Cleek

Georgia Bar No. 581063

Pro Hac Vice Pending

ELARBEE, THOMPSON,
SAPP & WILSON, LLP
800 International Tower
229 Peachtree St., N.E.
Atlanta, Georgia 30303
Telephone: (404) 659-6700
Facsimile: (404) 222-9718
Email: cleek@elarbeethompson.com

Attorneys for Respondent Aaron's, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES EQUAL)	
EMPLOYMENT OPPORTUNITY,)	
COMMISSION,)	
)	
Applicant,)	
)	CHARGE NO.
v.)	440-2008-04591
)	
AARON'S, INC.,)	SUBPOENA NO.
)	CH-10-037
Respondent.)	

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2011, I electronically filed the foregoing **RESPONDENT AARON'S, INC.'s MOTION TO STRIKE PARAGRAPHS 9 AND 10 OF THE DECLARATION OF SUSAN SMITH** with the Clerk of Court using the CM/ECF system which will automatically send notification of such filing to the following:

June Wallace Calhoun
Diane I. Smason
John C. Hendrickson

/s/ Wen-Shin Cheng

Wen-Shin Cheng
Illinois Bar No. 6236842

TRESSLER LLP
233 S. Wacker Drive
22nd Floor
Chicago, Illinois 60606
Telephone: (312) 627-4181
Facsimile: (312) 627-1717
Email: wcheng@tresslerllp.com

Attorneys for Respondent Aaron's, Inc.